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9
10 **UNITED STATES DISTRICT COURT**
11 **FOR THE DISTRICT OF CALIFORNIA**
12 **NORTHERN DISTRICT**

13 Carl A. Wescott,

14 Plaintiff,

15 vs.

16 David Crowe;
17 Mike Lyonette;
18 Jeff Rau;
19 Brad Malcolm;
20 Michael Jimenez;

21 Defendants.

22 + Does 1 through 50,

No: 3:20-cv-06456-JD

DEFENDANTS' OBJECTION TO
PLAINTIFF'S REPLY TO DEFENDANT
MR. JEFFREY RAU'S RESPONSE IN
OPPOSITION TO PLAINTIFF'S RULE
37(d)(2) MOTION FOR ORDERS AND
SANCTIONS RELATED TO
DEFENDANT MR. JEFFREY RAU'S
DISCOVERY ABUSE

Courtroom: 11

Judge: Hon. James Donato

23 Defendants object to Plaintiff's submission of new "evidence" in his Reply brief. Plaintiff's
24 Reply brief submitted a set of new exhibits – "evidence" that he contends supports his
25 argument. He is not allowed to do this, and the Court should not consider it. Local Rule 7-3(d)(1)
26 authorizes an aggrieved party to, within 7 days of the filing of a reply brief with new evidence,
27 object to the introduction of new evidence in the reply brief. This brief serves as Defendants'
28 objection.

1 Specifically, Defendants object to and ask the Court to strike Exhibits A, B, B-1, C, D, and
2 E (the “Exhibits”), together with all references to them and their content in the Reply
3 brief. Defendants will withdraw this objection if the Court denies Plaintiff’s Motion. However, if
4 the Court is inclined to grant any aspect of it and consider the new “evidence” found in the Reply
5 brief, then Defendants respectfully request leave to file a sur-reply brief to correct a number of
6 misstatements by Plaintiff and provide the full record to the Court for its consideration.

7
8 RESPECTFULLY SUBMITTED this 6th day of April 2022.

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10 ROMERO PARK P.S.

11 By: /s/ H. Troy Romero
12 H. Troy Romero, CBN #224867
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PROOF OF SERVICE BY ELECTRONIC MAIL

I, Kathy Koback, certify and declare as follows:

I am a citizen of the United States and a resident of the State of Washington. I am over the age of 18 years and not a party to the within-entitled cause. I am an employee with the law firm of Romero Park P.S., whose addresses are 16935 West Bernardo Drive, Suite 260, San Diego, California 92127 and 155 – 108th Avenue NE, Suite 202, Bellevue, Washington 98004, which is located in the county where the mailing described below took place.

On April 6, 2022, at my place of business in Bellevue, Washington, a copy of the attached document described as:

DEFENDANTS' OBJECTION TO PLAINTIFF'S REPLY TO DEFENDANT MR. JEFFREY
RAU'S RESPONSE IN OPPOSITION TO PLAINTIFF'S RULE 37(d)(2) MOTION FOR
ORDERS AND SANCTIONS RELATED TO DEFENDANT MR. JEFFREY RAU'S
DISCOVERY ABUSE

was sent via electronic mail pursuant to the parties' agreement for acceptance of service via electronic mail, and addressed to:

Carl A. Wescott
8210 e. Via De La Escuela
Scottsdale, Arizona 85258
Email: carlwsoj@gmail.com

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: April 6, 2022.


Kathy Koback, Legal Assistant